REPUBLICANS GAMBLE ON DEMOCRATS' ENERGY BILL 3 | BUSH LAUNCHES CLIMATE RESEARCH PLAN 5 | SAVING SPECIES 10-12

Environment & Climate News

©2003 The Heartland Institute | The Monthly Newspaper For Common-Sense Environmentalists | Vol. 6 No. 8 September 2003

Ag Committee Sends Forest Bill to Full Senate

President Bush greets firefighter David Goodnough as he toured the Squires Mountain fire site in Ruch, Oregon, in August of last year. Bush's "Healthy Forests Initiative," a plan aimed at curbing wildfires in national forests, was sent to the Senate on July 24.

by James M. Taylor

The Senate Agriculture, Nutrition, and Forestry Committee on July 24 approved and sent to the full Senate a forest management bill supported by the Bush administration.

The bill, nearly identical to the Healthy Forests Restoration Act approved by the full House in May, received the unanimous support of the Committee on a voice vote. A vote by the full Senate is expected as early as September.

The proposed legislation aims to streamline the process by which U.S. Forest Service officials manage national forests to prevent catastrophic wildfires. Among the most significant provisions, the legislation would

- limit to 15 days the time period in which opponents of Forest Service projects could challenge new programs;
- direct courts to give significant weight to Forest Service biological opinions;

FOREST continued on page 7

Legal Battle Reopens Over Salmon, Dams

by Robert Stokes

On May 7, the U.S. District Court for the District of Oregon invalidated the National Marine Fisheries Service's biological opinion that a variety of mitigation efforts would ensure the protection of endangered salmon.

The decision in *National Wildlife Federation v. National Marine Fisheries Service* has reopened the prospect of removing Snake River dams.

SALMON continued on page 13

Air Quality in U.S. Continues to Improve

by Joel Schwartz

The United States has made dramatic progress in reducing air pollution over the past few decades, and most American cities now enjoy relatively good air quality.

But polls show most Americans believe air pollution has grown worse or will become worse in the future. They also believe most people face serious risks from air pollution.

This disconnect between perception and

AIR continued on page 8

Hydrogen-Fueled Cars Offer False Promise

by Robert Sanders

As politicians and the public leap aboard the hydrogen fuel bandwagon, a University of California - Berkeley energy expert suggests we all step back, take a critical look at the technology, and consider simpler, cheaper options.

More Economical Alternatives

In a paper published in the July 18 issue of *Science* magazine, Alex Farrell, assis-

HYDROGEN continued on page 17

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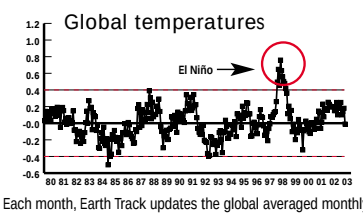
Is this global warming?



Each month, Earth Track updates the global averaged monthly satellite measurements of the Earth's temperature. See page 5.

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BIO-TECH

U.S., EU Launch High-Stakes Food Fight

by Dennis T. Avery

In late May, the United States filed a World Trade Organization suit against the European Union (EU) over its ban on biotech foods. Urban columnists came to the EU's defense, endorsing consumers' right to choose whether to eat biotech foods.

Consumers, of course, have the non-biotech choice of buying organic, and there's nothing preventing stores from labeling foods "biotech free." But this is far more than a food fight.

In a very real sense, it's the same struggle recently demonstrated in Iraq between Old Europe's short-sighted, protect-our-corrupt-contracts approach to world issues and America's hopeful tradition that problems can be resolved through such growth engines as research, knowledge, democracy, and free trade.

Reuters

A Bangladeshi child is given a Vitamin A dose orally by health volunteers in Dhaka. Some 20 million children were given Vitamin A during a week-long campaign to prevent blindness and other health problems.

Importance of Biotech

The biotech industry's latest achievement is a revolutionary new drug to prevent (not simply treat, but *prevent*) severe asthma attacks. It could eliminate the severe, breath-robbing asthma bouts that make about three million Americans frequently fear for their very lives.

The speed of biotech is helping our flu vaccines keep up with that ever-changing and periodically deadly virus. Biotech potatoes, papayas, and bananas represent humanity's first major victories over food-robbing crop viruses. Biotech may also conquer such awful diseases as viral pneumonia, rheumatoid arthritis, and cancer.

Golden rice, bio-engineered to help millions of rice-culture kids avoid blindness from severe deficiencies of Vitamin A, is still blocked from distribution because of "safety concerns." Meanwhile, researchers are working on newer strains of golden rice that will deliver even more Vitamin A potential.

Biotech researchers have learned to remove the natural allergens from such risky-but-nutritious foods as peanuts and soybeans, which cause millions of allergy attacks every year. Our foods are becoming safer because of biotech; so much for the anti-biotech crowd's "biotech will poison you" argument.

In fact, the EU Commission and the EU Health Commissioner, David Byrne, say biotech foods are probably safer than conventional foods because of the precision of the transformations and the extensive testing they've undergone.

Selfish Motives

Selfish financial reasons appear to be the only remaining logical reason the EU governments and the organic food industry have lashed themselves to the anti-biotech campaign.

Banning biotech imports (or any imports) protects Europe's artificially high farm prices. For 15 years, the EU has banned beef growth hormones that permit farmers to produce more lean meat per animal with less feed. The hormones would have aggravated the EU beef surplus. The rest of the world has since used the approved hormones with no health problems—and has been rewarded with lower-cost and heart-healthier meat.

The organic food industry has created its high-price market niche by rejecting virtually every agricultural research breakthrough of the past century—except irradiated seeds. For some reason, the organic industry has had no problem with planting crop varieties developed by bombarding seeds with mutagenic gamma rays, including the barley for one of Britain's most popular organic beers.

"America has been pioneering agricultural research since Abraham Lincoln created the land-grant colleges and their agricultural research stations in 1862."

Both Europe and the organic food industry fundamentally oppose the high-tech farming that has enabled the world to feed six billion people today on the same cropland that fed one billion people 50 years ago. (In 1999, the Bichel Committee, a high-level Danish government technical committee, reported that an organic mandate for Denmark's agriculture would cut its human food production by 47 percent.)

America, by contrast, has been pioneering agricultural research since Abraham Lincoln created the land-grant colleges and their agricultural research stations in 1862. Americans created the first hybrid seeds, the first mechanical reaper, lightweight gasoline tractors (releasing 30 million acres of draft horse pasture for human food crops), and many of the pesticides that protect the world's food supplies from destructive and wasteful insects, weeds, bacteria, and fungi.

Americans founded what's now the FutureHarvest network of international agricultural research stations for the Third World. Their research has saved billions of people from starving over the past 30 years.

The aim of the EU biotech ban is not consumer choice but government decision-making. The aim of today's anti-biotech activists is to take away individual choices, and replace them with politicized decisions they can control. The shape of tomorrow's world is at stake.

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INTERNET INFO

For more information on the Center for Global Food Issues, visit its Web site at **http://www.cgfi.org/**.

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Environment & Climate News is published 10 times per year by The Heartland Institute. Subscriptions are $36 per year. Order online at www.heartland.org. Heartland is a nonprofit and nonpartisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

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Republicans Gamble On Democrats' Energy Bill

GOP betting House-Senate committee will craft better measure

by James M. Taylor

Long-awaited national energy legislation surmounted a difficult obstacle on July 31 when Senate Republicans relented to Democratic opposition and agreed to pass legislation identical to last year's Democrat-written bill. The measure passed by an 84-14 vote.

A Republican-controlled joint House-Senate committee will now hammer out a compromise between the Senate legislation and the House energy bill passed in April and preferred by the Republicans. After a compromise bill is created, it must be approved by the full House and full Senate, and survive a threatened Democratic filibuster, before it can be submitted to President George W. Bush.

Before the 2002 elections, the Democrat-controlled Senate passed an energy bill weighted heavily in favor of conservation at the expense of affordable energy. The Democratic bill mandated a wide range of energy conservation programs and renewable energy subsidies while giving short shrift to more efficient fossil fuel and nuclear energy.

AFP

Pete Domenici (R-New Mexico), flanked by Rick Santorum (R-Pennsylvania) and Trent Lott (R-Mississippi) is confident the gambit will work in the Republicans' favor. "The reason I'm happy is because I'll be rewriting that bill," he said.

This year, after taking control of the Senate, Republicans had hoped to pass more balanced legislation aimed at making energy more affordable rather than more scarce. Leading up to the August congressional recess, however, Republicans realized Democrats had prepared as many as 100 amendments to offer on the Senate floor to stall a vote on the Republican plan. Rather than wait until after the August recess to attempt to pass its energy bill, the Republican leadership instead decided to gamble that the House-Senate conference would resolve most issues in favor of the House bill.

"They made us an offer we couldn't refuse—the Democratic energy bill we passed last year," said Senate Minority Leader Tom Daschle (D-South Dakota). "We'd much rather go into conference with a Democratic vehicle than what was going to pass at the end of this debate as the Republican bill."

"In our fondest dreams, we never thought we'd be able to pass a Democratic bill in a Republican Congress," Daschle added.

But Senate Energy Committee Chairman Pete Domenici (R-New Mexico) was confident the gambit would ultimately work in the Republicans' favor. "The reason I'm happy is because I'll be rewriting that bill," said Domenici. "We'll write a substantially different bill."

Domenici and House Energy and Commerce Committee Chairman Billy Tauzin (R-Louisiana) had already begun discussing how to shape the final bill in the joint committee.

"I'd much prefer to see the Republican bill than the bill we saw last year," Tauzin said. "But obviously if that's the best the Senate can do, at least we can get it to conference. We're running out of time."

Not all Republicans were happy with the developments. Some blamed Senate Majority Leader Bill Frist (R-Tennessee) for allowing other matters such as judicial appointments to sidetrack energy legislation until it was too late for Republicans to endure the expected Democratic stalling tactics.

"A Republican-controlled joint House-Senate committee will now hammer out a compromise between the Senate legislation and the House energy bill passed in April and preferred by the Republicans."

"Domenici is not happy with how Frist has handled this the last couple days," a senior Republican Senate aide told the *Washington Times*. "A lot of people are not happy about how Frist has handled this."

Greenhouse Gas Concessions

One important price the Republican leadership paid for getting the Democrats to drop their plans to stall the legislation was agreeing to allow John McCain (R-Arizona) and Joe Lieberman (D-Connecticut) to bring the climate change debate to the full Senate floor later this Fall.

McCain and Lieberman favor strict limits on carbon dioxide emissions that would create steep hikes in energy prices without alleviating the global warming predicted by some government scientists and liberal activist groups. McCain and Lieberman have been promised the opportunity to present a stand-alone bill.

"While the leadership in the House was able to keep their version of the energy bill from being loaded with alarmist global warming amendments, there is going to be a great deal of pressure from certain Senators to include unscientific, anti-energy proposals to placate certain environmental pressure groups," said Myron Ebell, director of global warming policy at the Competitive Enterprise Institute.

Higher CAFE Rejected

The Republican leadership did prevail in derailing an attempt to require enormous gains in sport utility vehicle fuel economy that would have likely regulated the vehicles out of existence.

Current law requires that SUVs, minivans, and light trucks average 22.2 miles per gallon by 2007. Senator Dick Durbin (D-Illinois) sponsored a proposal to raise the SUV fuel economy requirement to 40 miles per gallon by 2015. Even the smallest passenger cars rarely get 40 miles to the gallon.

Senator Frank Lautenberg (D-New Jersey) argued Americans would prefer not to drive SUVs, which accounted for 50 percent of automobile sales last year, and would rather drive small cars. "While Americans like the convenience of an SUV, they certainly don't like spending $40 or $50 filling the tank once or twice a week. Americans want fuel-efficient automobiles, which save them money at the pump."

"This is still America, isn't it?" responded Senator Trent Lott (R-Mississippi). "Is Congress going to mandate that people drive these things?" he said, pointing to a golf cart-sized prop.

"In the back roads of my state, that will get you killed," Lott said. "Don't make the American people drive this little runt of a car."

The proposed fuel restrictions also faced the opposition of the United Auto Workers union which, according to Senator George Allen (R-Virginia), estimated a federal law requiring a one-mile-per-gallon increase in fuel efficiency would eliminate 10 percent of the automobile workforce.

The SUV fuel economy proposal "would have a devastating impact on the automobile industry," observed Sen. James M. Inhofe, Oklahoma Republican.

Ultimately, Democrats from auto-producing states in the Midwest joined Republicans in rejecting the Durbin measure by a vote of 65 to 32. In its place, the Senate agreed to give the National Highway Traffic Safety Administration [NHTSA] deference in recommending new fuel economy standards.

"Setting fuel economy standards is complicated," said Missouri Republican Senator Christopher Bond. "The [NHTSA] will use science and technology" to establish CAFE standards, "not force people into smaller cars."

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**

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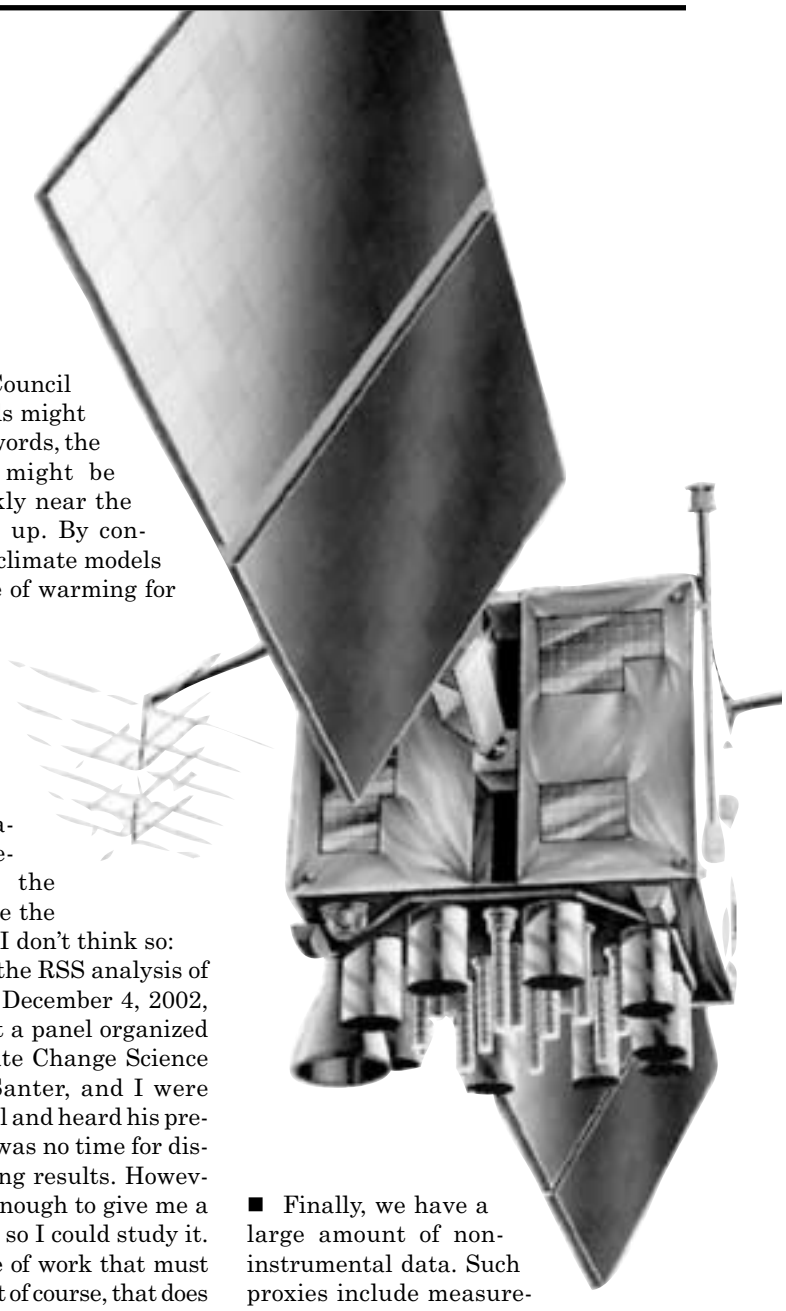
Alarmists' Claims Defy Global Warming Science



by S. Fred Singer

A press release from the federally supported National Center for Atmospheric Research (NCAR) claims a "New Look at Satellite Data Supports Global Warming Trend." That claim is likely to be trumpeted by supporters of the Kyoto Protocol, who want to restrict drastically the use of energy in the U.S. and abroad.

But the NCAR findings are based on the wishful thinking of well-known global-warming promoters, rather than on sound science.

The NCAR findings were reported by the journal *Science* on May 1 at **http://www.sciencexpress.org**, well before the normal publication date and just before hearings by Sen. John McCain (R-Arizona). Coincidence?

The lead author of the NCAR report is Ben Santer of the Lawrence Livermore National Laboratory—who became notorious for surreptitiously altering the text of a crucial chapter in the 1995 Intergovernmental Panel on Climate Change's *Report on Climate Change* in order to make it conform to its politically inspired *Summary for Policymakers*.

The NCAR study is based on an analysis of weather satellite data by Frank Wentz and colleagues at Remote Sensing Systems (RSS); they proclaim a warming trend of about 0.1˚ Centigrade per decade between 1979 and 1999. These results are at odds with previous analyses of the same satellite data by John Christy and Roy Spencer of the University of Alabama at Huntsville (UAH), who found virtually no warming over the 20-year period.

Over the past 25 years, a series of instruments aboard 12 U.S. satellites has provided a unique temperature record extending as high as the lower stratosphere. Each sensor intercepts microwaves emitted by various parts of the atmosphere, with emissions increasing if temperatures rise. These data are used to infer the temperature of key atmospheric layers, the (lower) troposphere and (higher) stratosphere.

Since the 1990s, the absence of an observed warming signal in the satellite-derived lower-atmospheric temperatures has stood in contrast to a distinct warming trend in temperature at Earth's surface. A 2000 report from the National Research Council concluded both trends might be correct—in other words, the global atmosphere might be warming more quickly near the ground than higher up. By contrast, all theoretical climate models predict a higher rate of warming for the troposphere than for the surface.

Clearly, the RSS results would be a closer match with surface warming, as well as with computer-model simulations, and are therefore preferred by the NCAR group. But are the RSS results correct? I don't think so:

■ Wentz presented the RSS analysis of the satellite data on December 4, 2002, in Washington DC at a panel organized by the federal Climate Change Science Program. Christy, Santer, and I were members of this panel and heard his presentation, but there was no time for discussion of his startling results. However, Wentz was kind enough to give me a copy of his full paper so I could study it.

It is a careful piece of work that must be taken seriously; but of course, that does not make it correct. I mailed him a number of comments, to which his co-author Carl Mears responded. I then suggested they perform some crucial tests on the internal consistency of their results, but there has been no reply so far. I did receive comments from Christy that discussed the weak points in the RSS work.

■ Finally, we have a large amount of non-instrumental data. Such proxies include measurements of the widths of tree rings, isotope data from ocean and lake sediments, ice cores and corals, etc. All of these can be calibrated in terms of temperature. I have personally examined many of these published results and have yet to find any that show a recent warming. It is another strong piece of evidence that supports the conclusion that the surface data from weather stations are contaminated by local heating effects and cannot be relied on to support global warming.

"These results are at odds with previous analyses of the same satellite data by John Christy and Roy Spencer of the University of Alabama at Huntsville, who found virtually no warming over the 20-year period."

■ Independent atmosphere temperature data from radiosonde instruments carried aloft in weather balloons do not support RSS but agree with the UAH result of a negligible warming trend (which will become even smaller as the huge 1998 El Niño warming is gradually washed out). Of course, the balloon data have problems of their own that require correction; but the latest reanalysis has further reduced the trend result. On the other hand, the surface data at weather stations are subject to large corrections as well. A most important one—and difficult to remove completely—is the well-known "urban heat-island" effect, the local heating produced over time by the expansion of housing, traffic, and energy release in the vicinity of the stations.

But if the RSS analysis is not correct, then the NCAR study is mostly hot air. As science journalist Ron Bailey points out: "Evidently, the strategy being used by Santer et al. is that if their models don't agree with the data, then change the data." Our hope is that Congress does not buy into this shell game.

S. Fred Singer is professor emeritus of environmental sciences at the University of Virginia and president of the Science & Environmental Policy Project. **http://www.sepp.org** *His email address is* **ssinger1@gmu.edu**.

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Bush Administration Launches Climate Research Plan

by James M. Taylor

The Bush administration on July 24 announced an unprecedented 10-year research plan to better understand how, and to what extent, human activity may be affecting the Earth's climate.

The new initiative brings together the resources and expertise of 13 federal agencies and is the result of months of consultations with scientists, policy experts, and nongovernmental organizations who make up the federal government's Climate Change Science Program (CCSP). It reflects an outreach to some 1,200 scientists and representatives of more than 35 countries.

As part of the initiative, Secretary of Commerce Don Evans announced a $103 million two-year federal initiative to accelerate the deployment of new global observation technologies. The initiative will provide data to improve scientists' understanding of global climate change and their ability to apply that knowledge toward effective solutions.

"The Bush administration has brought total government spending on climate change-related programs to $4.5 billion," said Evans. "This critical investment ... will accelerate select high-priority research projects and climate observations that will help us fill critical knowledge gaps."

Core Principles

According to Evans, five core principles will guide the research plan:

- Adopt a measured approach based on the best science.
- Remain flexible and able to adapt to new discoveries and technology.
- Leverage the power of markets and technological innovation.
- Ensure global participation.
- Ensure continued economic growth.

Proponents say the plan will result in a better understanding of climate variability, the potential response of the climate system (and related human and environmental systems) to human-induced changes in atmospheric and surface temperatures, and the implications of these potential changes and management options for natural environments.

Scientific Goals

Central to the research plan are five overarching scientific goals aimed at addressing key questions and uncertainties:

- Extend knowledge of the Earth's past and present climate and environment, including its natural variability, and improve understanding of the causes of observed changes.
- Improve understanding of the forces bringing about changes in the Earth's climate and related systems.
- Reduce uncertainty in projections of how the Earth's climate and environmental systems may change in the future.
- Understand the sensitivity and adaptability of different natural and managed systems to climate and associated global changes.
- Explore the uses and identify the limits of evolving knowledge to manage risks and opportunities related to climate variability and change.

"Right Direction"

"We support President Bush's emphasis on scientific research, and the broad goals of this plan look like they'll set government research in the right direction," said Myron Ebell, director of global warming and international environmental policy at the Competitive Enterprise Institute (CEI).

"While the outline of the plan is encouraging," he continued, "we hope the full text of the report doesn't give away too much to the alarmist camp, as previous Bush documents have done. A research plan is no place to try to placate political opponents."

"For far too long," added CEI Senior Fellow Chris Horner, "federally funded global warming research has been a tool of alarmist ideologues bent on convincing policy makers that human-induced climate change requires drastic government intervention, whatever the status of the science itself. Through misleading summaries of technical studies and omission of conflicting evidence, previous studies have been intentionally crafted to support the alarmist position."

James R. Mahoney, assistant secretary of commerce for oceans and atmosphere and director of CCSP, stated, "This plan leverages existing knowledge to learn new things, builds bridges across communities and scientific disciplines to gain greater insight, reaches out to decision-makers to put knowledge into action.

"We are committed to maintaining an open and transparent process to ensure that our partners are heard and we hear them," Mahoney continued. "It stakes out new scientific ground in the area of climate-change modeling and observations and promises to adapt to new technology and discoveries."

Bruce Alberts, president of the National Academy of Sciences, applauded the plan. "I highly commend Jim Mahoney for his insistence on soliciting the widest possible scientific input into the U.S. government's important Strategic Plan for Climate Change Science.

"As our government sets national priorities for global change research, it is critical that it have access to leading scientists. I am of course especially pleased," acknowledged Alberts, "that he has asked the National Academies to conduct an open, high quality review of both the draft and revised versions of the Strategic Plan. Our committee, chaired by Thomas Graedel of Yale University, has already reviewed the draft strategic plan, working to provide constructive advice for its revision.

"This committee will continue to provide useful guidance to the Climate Change Science Program from a group of the nation's best scientists," Alberts pledged.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

A four-page executive summary of the Climate Change Science Program Strategic Plan is available through *PolicyBot*, as is a 41-page report, *Vision for the Program and Highlights of the Scientific Strategic Plan*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for documents **#12638** and **#12621**, respectively.

Further information, including the complete 364-page text of the Strategic Plan, is available on the CCSP Web site at **http://www.climatescience.gov/**.

Testimony about the CCSP program, delivered by Heartland Institute President Joseph L. Bast in January 2003, is available on the Heartland Web site at **http://www.heartland.org/Article.cfm?artId=11477**.

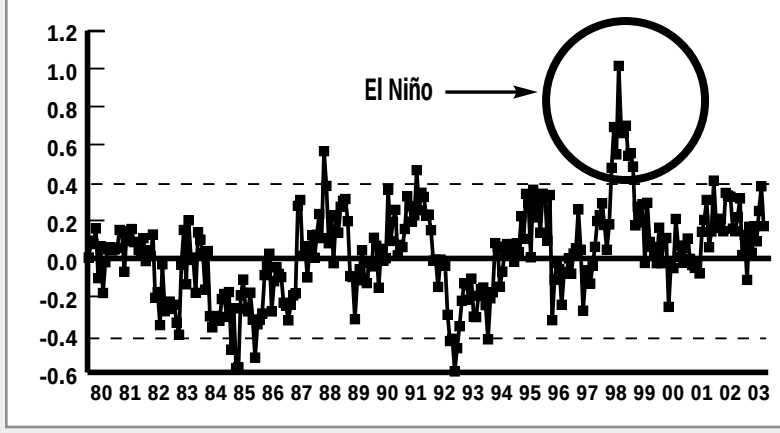
GLOBAL SATELLITE TEMPERATURES

EARTH TRACK

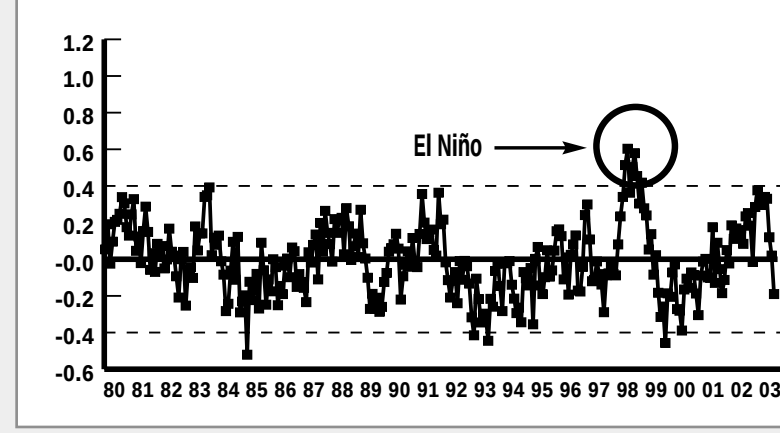
JUNE 2003

The global average temperature for June, shown on page 1, was 0.01˚C below normal. The Northern Hemisphere's temperature departure, shown below, was 0.167˚C above normal; the Southern Hemisphere's was 0.19˚C below normal.

NORTHERN HEMISPHERE



SOUTHERN HEMISPHERE



Each month, Earth Track updates the global averaged satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses. Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C. The data used to create these graphs can be found on the Internet at **http://vortex.nsstc.uah.edu/data/msu/t2lt/tltglhmam_5.1**.

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Federal Court Opens Roads in National Forests

by James M. Taylor

A federal judge has struck down a government-imposed ban on building new roads in a third of America's national forests.

In a 100-page July 14 ruling, Judge Clarence Brimmer rejected the ban, hastily enacted during the final hours of the Clinton administration, as "a thinly veiled attempt to designate 'wilderness areas' in violation of the clear and unambiguous process established by the Wilderness Act."

According to Brimmer, "in its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts and bypassing of the procedural requirements of NEPA (the National Environmental Policy Act) has done lasting damage to our very laws designed to protect the environment."

Brimmer pointed out that only Congress can create wilderness areas under the Wilderness Act. Moreover, according to Brimmer, the Clinton administration violated the National Environmental Policy Act by acting in "political haste" and circumventing proper procedures. Most notably, the administration did not allow enough time for public input before finalizing its roadless rule.

Concluded Brimmer, "there is no gainsaying the fact that the Roadless Rule was driven through the administrative process and adopted by the Forest Service for the political capital of the Clinton administration without taking the 'hard look' that NEPA required."

The Sierra Club, Wilderness Society, and Natural Resources Defense Council were among roadless rule supporters who intervened in the case, *State of Wyoming v. USDA*.

The ruling is the second of its kind to be issued by a federal district court. A similar ruling was issued by another federal judge in 2001, but was reversed by the Ninth Circuit Court of Appeals, located in San Francisco.

Brimmer's decision, if appealed, would be reviewed by the Denver-based Tenth Circuit Court of Appeals. His ruling is much more likely to upheld by the Tenth Circuit, which is more middle-of-the-road than the left-leaning Ninth Circuit. Unless it is overturned on appeal, the ruling is likely to carry the force of law across the country—including in the Ninth Circuit.

A Welcome Ruling

Wyoming Attorney General Pat Crank, whose state has been especially affected by the roadless rule, applauded the decision and the fact that the ruling "has implications throughout the entire United States."

House Resources Committee Chairman Richard Pombo (R-California) also praised the decision.

"This decision is great news for those who support the rule of law and those who support common-sense land management plans," Pombo said. "The Roadless Rule would arbitrarily fence-off land and throw away the keys. This 'Don't Touch' management plan would also block recreation activities and prohibit critical maintenance to prevent catastrophic forest fires. When has there ever been common sense or smart environmentalism in planning to do nothing?"

"The decision of the federal district court to set aside the Roadless Rule is just and necessary," said Rep. Jim Gibbons (R-Nevada). "The Roadless Rule Initiative introduced by then-President Bill Clinton would effectively lock-up our public lands and lock-out the American people. It was a needless land grab that obviously circumvented Congress, clearly shut-out the public, and according to the Federal Court, ultimately violated the law."

"Despite all of the previous administration's efforts to spin it another way, the Clinton roadless rule was bad for local economies, bad for the health of our forests, and bad for the environment," added Rep. Barbara Cubin (R-Wyoming). "Worse, it could prove to restrict access for firefighters as we settle in for another difficult fire season. This was a poorly drawn and ill-conceived rule, and I'm glad it's been overturned."

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

Judge Clarence Brimmer's 100-page decision in *State of Wyoming v. USDA* is available in Adobe Acrobat's PDF format through *PolicyBot*, The Heartland Institute's free online research database. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document **#12634**.

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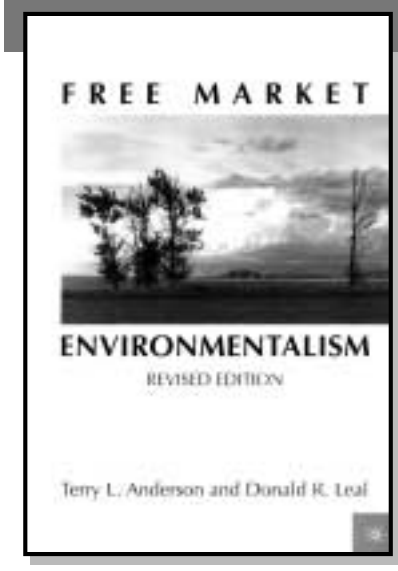

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Partnership for the West Builds Grassroots Army

by James M. Taylor

People in the West cherish simple values, says Jim Sims. They cherish economic freedom, local self-determination, sweat equity, and a deep commitment to the land. They are conservationists at heart. They feel a moral responsibility to protect and preserve the environment for their children and for future generations.

Today, those Western values are under attack. According to Sims, "A small but very vocal minority of radical environmentalists are attacking the Western way of life. They want to stop virtually all economic growth and development. They want to restrict business and industry at every turn. They want to put Western lands as off-limits as possible. They want to restrict camping, hunting, fishing, and recreational access that many of us have grown up enjoying. They want to change the Western way of life."

That is why Sims is leading a grassroots coalition to preserve traditional Western values and the Western way of life. He says Partnership for the West is up to the task.

According to Sims, Partnership for the West will work to enact public policies that support the following principles:

- The West needs and deserves good-paying jobs created by sustainable and environmentally sound development. We support public policies that encourage job-creating development and prosperity for all.
- Public lands in the West belong to all Americans. We believe these lands should be accessible for sustainable uses and environmentally sound development for the benefit of all Americans.
- Consumers in the West and throughout America deserve access to affordable and reliable supplies of the goods, materials, and services that help sustain our quality of life. We support environmentally sound development of the West's abundant natural resources in order to sustain and improve America's quality of life.
- We agree to work with citizens across the West in a partnership to support public policies that boost economic growth, create jobs, and encourage environmentally sound development in the West.

"While they are small in number, these [radical environmentalist] fringe groups are well-funded, operate in sophisticated networks, and are solely dedicated to producing conflict and delay. As Western news media investigations have uncovered, many receive the bulk of their funding from outside the West," notes Sims.

"Radical environmentalism should not be allowed to rule the West. Instead, we need a common sense, balanced approach to promoting access to public lands and preserving our environment for future generations."

The Partnership for the West aims to build a grassroots army of tens of thousands of Westerners and arm them with the means to make their views known to elected officials at the state and federal levels.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

People and organizations wishing to join the Partnership for the West should visit its Web site at **http://www.partnershipforthewest.org**. No membership dues are charged, but financial or in-kind contributions are encouraged.

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Forest Bill

Continued from page 1

- discourage "venue shopping" by requiring plaintiffs to file suit in the district court where a project is being proposed;
- allow the Forest Service to restrict its deliberations to a proposed management plan versus no action at all;
- and set a 100-day time limit for judges to rule on challenges to forest management projects.

Two competing bills, sponsored by Senate Democrats, failed to gain committee approval. The competing bills would have provided marginal streamlining of forest management procedures, and directed that forest management programs be largely restricted to areas directly adjacent to human population centers.

"Passage of the bipartisan healthy forests bill in the Agriculture Committee today set the stage for this important legislation to get through the full Senate this year," said Senator Larry Craig (R-Idaho).

Procedural Changes

Mark Rey, undersecretary of agriculture, said the Bureau of Land Management and the Forest Service must currently study up to nine alternatives for each proposed forest management plan. The cost of studying such alternatives, often reaching $2 million or more per proposed plan, is crippling the Forest Service's ability to perform its job. Rey estimated that eliminating the requirement to consider so many alternatives will cut costs by two-thirds.

Liberal environmentalists are particularly unhappy with Healthy Forests language directing courts to give substantial deference to Forest Service biological opinions. Such language, according to Patrick Parenteau, director of the Vermont Law School Environmental Law Clinic, is an unprecedented "attempt to put a thumb on the scale [of justice] in favor of one side" in a legal dispute.

Directives for courts to give special weight to agency findings are not in fact unusual. For example, courts are directed to give U.S. Department of Labor regulations special deference in resolving employment law disputes.

Senator Ron Wyden (D-Oregon) expressed concern that limiting the time period for litigants to file lawsuits and for judges to rule on challenges to forest management plans would disrupt current judicial processes. "What do we want to protect more," responded Rey, "the current judicial practice or the forests?"

Western States Line Up in Support

Senators from the western states most affected by the proposed legislation formed the core of support for the Healthy Forests bill. Opposition was heaviest among Senators from coastal states.

"The forest health crisis on our public lands cannot be ignored," said Republican Governor Judy Martz and Senators Conrad Burns and Denny Rehberg of Montana, in a joint written statement. "Currently, 190 million acres of federal forest and rangeland are at unnaturally high risk to catastrophic wildfire—larger than all of New England combined. Of the approximately 18 million acres of national forest land in Montana, over 12 million acres are classified as 'Condition Class 2 or 3,' which means these lands are in critical need of treatment.

"To those of us in Montana, it's clear that the federal process for addressing these problems is horribly broken," the Montanans continued. "When roughly 90 percent of decisions in the Northern Region are appealed, the system is ripe for reform. These constant appeals and litigation, and the threat of these actions, have led our forest professionals into a predicament that can only be addressed through legislation. The time is now for real solutions ... We support the President's healthy forest legislation because it will alleviate some of the challenges facing our forest managers."

Costs vs. Benefits

Hal Salwasser, dean of the Oregon State University College of Forestry, took special exception to criticisms that forest management is necessary only near human population centers. Unnaturally thick forest growth and resultant catastrophic fires pose a special threat to watershed ecosystems, said Salwasser.

"We need a broader perspective than 200 feet around a home," agreed Rep. Richard Pombo, chair of the House Resources Committee.

However, some observers question whether the benefits of active forest management plans are worth the cost. "I don't think this policy has great merit," said Jerry Taylor, director of natural resource studies at the Cato Institute. "It's not capable of accomplishing its goals. There'll never be enough resources to thin Western forests. That would require $100 billion."

Lumber Production Defended

Kim Liles, a paper maker at Smurfit-Stone Container's mill in Frenchtown, Montana and special projects director for the Rocky Mountain Region of the Pulp and Paperworkers' Resource Council, took exception to the insistence by some anti-logging groups that forest management plans not provide benefits to lumber producers. "Since when did it become un-American and wrong to make a profit on lumber?" he asked. "If we are to believe the environmental extreme community, no one should make a dime on public lands on anything. Only they, it would appear, should be allowed to make money through litigation and legal action, while at the same time good, hard-working people are put out of work as a result of their actions."

Added Liles, "I as well as many of my co-workers hold them responsible and accountable for many of the jobs we have lost in the timber industry here in Montana and the western United States. They always talk about compromise, but as I have experienced and seen through the years, the only ones who must compromise are those of us who rely on our natural resources for our living and survival."

The Healthy Forests legislation appears to have the support of a majority of the Senate, but it is unclear whether the legislation can muster the 60 votes necessary to withstand a threatened filibuster.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

The 88-page text of the Healthy Forests legislation reported out by the Senate Agriculture, Nutrition, and Forestry Committee is available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and request document **#12623**.

Judge Holds Clinton EPA in Contempt of Court

by James M. Taylor

Federal District Judge Royce Lamberth on July 24 held the Environmental Protection Agency (EPA) in contempt of court for violating his order not to destroy computer files regarding rules enacted in the last days of the Clinton administration.

In January 2001, Lamberth had issued a restraining order against EPA after the Landmark Legal Foundation sued the agency over alleged Freedom of Information Act violations. The Landmark suit, filed in the fall of 2000, alleged EPA had unlawfully refused to relinquish documents regarding its rulemaking activities. Landmark had asked for the documents in conjunction with its assertion that the Clinton EPA had improper ties to special-interest activist groups.

When reports began surfacing that EPA was hastily preparing to enact dozens of new rules in the last days before President Clinton left office, Lamberth on January 3, 2001, ordered the agency not to destroy any files or records regarding the last-minute rules. Nevertheless, then-EPA Administrator Carol Browner erased her computer's hard drive on the very day Lamberth issued his order, and Deputy Administrator W. Michael McCabe deleted numerous relevant emails in the days immediately following Lamberth's order.

EPA has admitted that several other Clinton administration officials also reformatted their hard drives shortly after President George W. Bush's inauguration, in defiance of the court order and contrary to government policy.

www.house.gov

Then-EPA Administrator Carol Browner erased her computer's hard drive on the very day Lamberth issued his order not to destroy any records regarding last-minute rules.

The contempt ruling requires EPA to reimburse Landmark for tens of thousands of dollars in legal expenses. Neither Browner, McCabe, nor any other EPA officials will be held personally responsible for their conduct.

"This is a major victory for those who believe the EPA has an obligation to comply with the law," said Landmark President Mark Levin. "The EPA destroyed vast databases that would have revealed the extent to which Carol Browner and other top officials worked with environmental groups to issue last-minute regulations prior to the end of the Clinton administration."

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heart land.org**.

INTERNET INFO

For more information about the Landmark Legal Foundation, visit its Web site at **http://www.landmarklegal.org/**.

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If ozone was high one day in Glendora and the next day in Santa Clara, 50 miles away, the American Lung Association counted two high-ozone days for all 9.5 million people in Los Angeles County. The logical fallacy here is obvious—it is like failing an entire class when one student does poorly.

Air Quality Improves

Continued from page 1

reality is, in part, the result of environmental activists' exaggerations of air pollution levels and risks, which make air pollution appear to be increasing when in fact it has been declining. State and federal regulatory agencies sometimes also resort to such tactics, and the media generally report those claims uncritically.

As a result, public fears over air pollution are out of proportion to the actual risks posed by current air pollution levels. There is widespread but unwarranted pessimism about the nation's prospects for further air pollution improvements.

If people overestimate their exposure to and risk from air pollution, they will demand stricter, more costly air pollution regulation.

We face many threats to our health and safety, but have limited resources with which to address them. By devoting excessive resources to one exaggerated risk, we are less able to counter other genuinely more serious risks. People can make informed decisions about air pollution control only if they have accurate information about the risks they face.

Air Quality Successes

The Environmental Protection Agency (EPA) monitors ozone and other air pollutants at hundreds of locations across the United States.

EPA has two ozone standards. The first, known as the "one-hour standard," requires that daily ozone levels exceed 125 parts per billion (ppb) on no more than three days in any consecutive three-year period. Ozone levels are determined based on hourly averages (hence the name of the standard).

EPA's "eight-hour standard," promulgated in 1997, is more stringent. It requires that the average of the fourth-highest daily, eight-hour average ozone level from each of the most recent three years not exceed 85 ppb.

In the early 1980s, half of the nation's monitoring stations registered ozone in excess of the federal one-hour standard, and they averaged more than 12 such exceedances per year. But as of the end of 2002, only 13 percent of the stations failed the one-hour standard and they averaged just four exceedances per year.

Figure 1 displays national ozone trends and shows that even the most polluted areas of the country achieved impressive ozone reductions during the past 20 years. About 40 percent of monitoring locations currently exceed the more stringent eight-hour standard, but peak eight-hour ozone levels are declining in most areas.

The nation's success with air quality extends beyond ozone to other pollutants. For example, between 1981 and 2000, carbon monoxide (CO) declined 61 percent, sulfur dioxide (SO2) 50 percent, and nitrogen oxides (NOx) 14 percent. Only two among hundreds of the nation's monitoring locations still exceed the CO and SO2 standards. All areas of the country meet the NOx standard. For all three pollutants, pollution levels are well below EPA standards in almost all cases.

Airborne particulate matter (PM, also known as soot) has also registered large declines. PM2.5 (particles up to 2.5 microns in diameter) dropped 33 percent from 1980 to 2000, while the soot emissions rate from diesel trucks is down almost 85 percent since 1975.

This downward trend in pollution levels will continue. On-road pollution measurements show per-mile emissions from gasoline vehicles are dropping by about 10 percent per year as the fleet turns over to more recent models that start out and stay much cleaner than vehicles built years ago. Diesel truck emissions are also declining, albeit about half as fast.

Although motorists are driving more miles each year and population growth means more motorists on the roads, the increases in driving are tiny compared to the large declines in vehicle emission rates and will do little to slow progress on auto pollution.

Emissions from industrial sources will also continue to drop. Starting in 2004, EPA regulations require a 60 percent reduction in warm-season NOx emissions from coal-fired power plants and industrial boilers—the major industrial sources of ozone-forming pollution. The federal Clean Air Act requires a 20 percent reduction in PM-forming SO2 from power plants between 2000 and 2010. Those reductions are in addition to substantial declines in industrial NOx and SO2 emissions over the last 30 years.

"Why do most Americans 'know' so much about air pollution that is not so? Americans consider liberal environmental groups the most credible sources of information on the environment, yet those activist groups consistently provide misleading information on air pollution levels, trends, risks, and prospects."

Misperceptions

Despite past success in reducing air pollution and the positive outlook for the future, polls show most Americans think air pollution is getting worse. For example:

- A January 2002 Wirthlin Poll found 66 percent of Americans believe air pollution has gotten worse during the past 10 years, up from 61 percent two years before. A poll commissioned by Environmental Defense in 2000 found 57 percent of Americans believe environmental conditions have declined during the past 30 years.
- Americans also believe environmental quality will decline in the future. The 2000 Environmental Defense poll found 67 percent of Americans believe air pollution will continue to get worse. Likewise, a March 2001 Gallup Poll found 57 percent of Americans believe environmental quality is deteriorating.
- Most Americans also believe air pollution remains a serious threat to their health. Some 80 percent of New Yorkers rate air pollution a "very serious" or "somewhat serious" problem, as do 77 percent of Texans. When asked about the most serious environmental issue facing California, a 34 percent plurality chose air pollution, with "growth" coming in a distant second at 13 percent.

Why do most Americans "know" so much about air pollution that is not so? Americans consider liberal environmental groups the most credible sources of information on the environment, yet those activist groups consistently provide misleading information on air pollution levels, trends, risks, and prospects.

Americans also trust information from regulatory agencies, yet the agencies often paint a misleadingly pessimistic picture. At the same time, the media often provide extensive coverage of air pollution reports and press releases from liberal environmentalists and government regulators, yet the press reports rarely include critical examination or context on the claims those organizations make.

Inflating Air Pollution Exposure

In its report *State of the Air 2003*, the American Lung Association claimed that between 1999 and 2001, Los Angeles County averaged 35 days per year with ozone in excess of EPA's eight-hour ozone benchmark of 85 ppb. Yet, as shown in Figure 2, none of the county's 14 ozone monitors registered anywhere near that many ozone exceedances. Indeed, the typical Los Angeles County location averaged six exceedances per year—83 percent fewer than the report claims—while the most densely populated areas of the county never exceeded the EPA benchmark at all.

The American Lung Association derived its inflated value by assigning an ozone violation to the entire county on any day at least one location in the county exceeded 85 ppb. For example, if ozone was high one day in Glendora and the next day in Santa Clara, 50 miles away, the report counted two high-ozone days for all 9.5 million people in Los Angeles County. The logical fallacy here is obvious—it is like failing an entire class when one student does poorly.

The Public Interest Research Group (PIRG) took the American Lung Association's techniques to the state level. In its 2002 report *Danger in the Air*, PIRG claimed California exceeded the eight-hour ozone benchmark on 130 days in 2001. Yet almost half of the state's monitoring locations had no exceedances, while the average location had seven. Even the worst location in California had only about half as many ozone exceedances as PIRG claimed for the whole state. PIRG similarly claimed fictitiously large ozone problems for every other state it scrutinized.

Regulatory agencies often take a similar tack in reporting ozone levels. For example, EPA recently downgraded California's San Joaquin Valley air district—a multi-county region—from "serious" to "severe" for the one-hour ozone standard. The change gave the region more time to attain the standard, but also required more stringent air pollution controls.

In a press release announcing the action, EPA stated, "Air quality data from 1997 through 1999 indicates the San Joaquin Valley experienced 80 days of unhealthy levels of ozone air pollution."

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Yet Clovis, a suburb of Fresno and the most polluted location in the valley, had 40 days above the one-hour benchmark, while nearly half of the valley's monitoring locations were in compliance with the one-hour ozone standard.

In the latest installment of its annual air pollution trends report, EPA claimed 133 million Americans breathe air that exceeds one or more federal air pollution health standards—mainly the tough new annual PM2.5 and eight-hour ozone standards. Yet EPA's claim is a substantial exaggeration.

The agency classifies Clean Air Act compliance status at the county level. For example, if any air pollution monitor in a county registers ozone in excess of federal requirements, that county is classified as "non-attainment."

Such regional classification often makes sense, because pollution can be transported many miles from its source. The problem arises because EPA also uses county non-attainment status when counting the number of people who "breathe polluted air." Because only one location in a county need exceed an air standard for the entire county to be classified as non-attainment, many people in a non-attainment county might in fact breathe clean air. Indeed, this situation is the norm, rather than the exception.

Bucking the Trends

Air pollution, as noted earlier, has been on the decline for decades, and emission trends from vehicles and industrial sources promise pollution levels will continue to decline in the future. Yet activists have gone to great lengths to convince the public otherwise. One technique is to ignore long-term trends and instead highlight years in which air pollution levels rose when compared with the previous year.

For example, in *Danger in the Air*, PIRG reported a 23 percent increase in eight-hour ozone exceedances between 2001 and 2002, while a recent National Environment Trust press release proclaimed "new survey finds massive smog problem in 2002." Ozone levels did indeed rise between 2001 and 2002, mainly because mild weather in 2001 made it an unusually low-smog year.

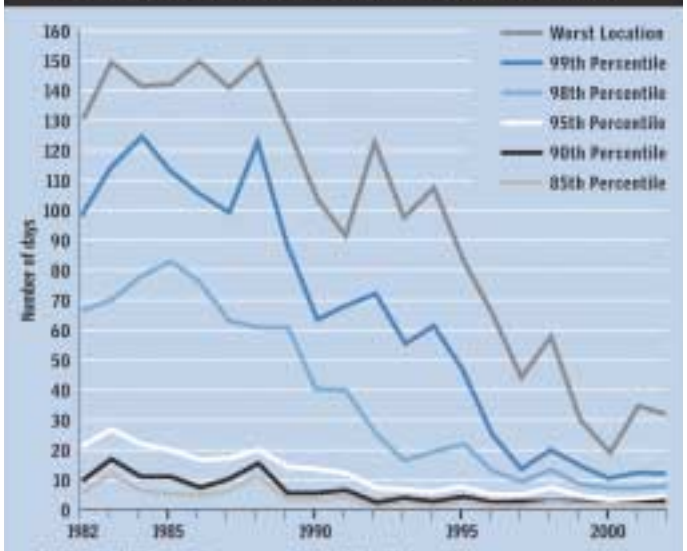
Despite a substantial overall decline in smog between 1990 and 2002, there were five years during this period in which ozone levels rose compared to the previous year in most parts of the country. Ozone levels are strongly affected by weather, which varies from year to year much more than pollution emissions do. Single-year changes in either direction cannot be used to infer long-term trends in air pollution.

The national average number of eight-hour ozone exceedances declined almost 50 percent between 1999 and 2000 because the weather in 1999 was unusually favorable to smog formation. That single-year change is as meaningless for inferring long-term trends as the rise in ozone between 2001 and 2002 highlighted by PIRG. Nevertheless, it is worth noting that large single-year *decreases* in air pollution have failed to inspire laudatory reports or press releases from environmental groups on the nation's success in fighting pollution.

FIGURE 1

Improving Ozone Levels

Trend in the number of days per year that the worst ozone locations in the nation exceeded the federal one-hour, 125 ppb ozone benchmark.



SOURCE: EPA AIRData website, www.epa.gov/airquality/airdata/ad.html.

NOTE: The chart is based on all locations with data in a given year. The number of monitoring locations has more with time. Locations were ranked from worst to best for each year, and percentiles were plotted to create this chart.

The Future Is Clear

Although often unacknowledged by environmentalists, America's past success in combating air pollution actually occurred in spite of rapid growth in vehicle travel. For example, the substantial pollution reductions achieved since 1980 occurred at the same time that total vehicle miles increased 75 percent. But can improvements in vehicle pollution control keep pace with increased vehicle use?

On-road pollution measurements show average emissions from gasoline vehicles are declining by about 10 percent per year, even as SUVs make up an increasing fraction of cars on the road. (See Figure 3.) Because of technological advances, newer cars start out and stay cleaner as they age, when compared with previous models.

EPA regulations that take effect with the 2004 model year require additional reductions of 70 percent for hydrocarbons and 80 percent for NOx below current new-car standards, along with increased durability requirements. Similar regulations for diesel trucks require a 90 percent reduction in NOx and soot emissions starting in 2007, in addition to tougher NOx standards already implemented this year.

Data from vehicle inspection programs and on-road emission measurements show SUV emissions have been converging with those of cars since the late 1990s. EPA's 2004 standards make no distinction between SUVs and compacts; Chevy Suburbans must meet the same low emissions requirements as Geo Metros. The growing popularity of SUVs will make no difference for future air quality.

Based on observed emission trends and the requirements of new regulations, per-mile emissions will decline about 90 percent during the next 20 years, as twenty-first century vehicles make up an ever-larger portion of the fleet. Thus, even if Americans drive 50 percent more miles 20 years from now (a greater increase than most metropolitan areas project), total emissions would still decline by 85 percent from current levels.

Despite the evidence of substantial ongoing emission reductions from all major pollution sources, the American Lung Association asserts in its *State of the Air: 2003* report that "much air pollution cleanup has been stalled during the past five years" because of a lack of effort by EPA.

Getting Real on Air Pollution

Liberal environmental activists and regulators do not produce reports and press releases on air quality for their own sake, but to influence public opinion. The reports and regulatory activities described above were accompanied by substantial public relations efforts, often receiving coverage in many newspapers across the country.

In most of those articles, reporters did not compare regulators' and activists' claims to actual pollution data and did not provide information on past trends and future prospects that would put the claims in context. As a result, activists and regulators have contributed to Americans' misperceptions on the state of the nation's air.

The battle against air pollution is actually a great success story in environmental protection and public health. The worst air pollution problems have been greatly reduced or eliminated, while parts of the greater San Bernardino and Fresno-Bakersfield areas in California are the only places that still frequently exceed the new eight-hour ozone benchmark.

Rather than air pollution being a worsening national crisis, the vast majority of the country has attained the original federal standards, and only a few regions are still a substantial distance from meeting the tougher new standards. Recent trends in ozone and particulate levels and in pollution emissions, along with already-adopted new requirements, show air pollution will continue to decline.

Most Americans trust information from liberal environmentalists and government agencies. A 1999 poll commissioned by the American Lung Association found 90 percent of people trust environmental information provided by the association (59 percent of them a "great deal"), while 79 percent trust EPA. A 2002 poll commissioned by the Sierra Club found 57 percent of Americans trust environmental groups for information on environmental issues.

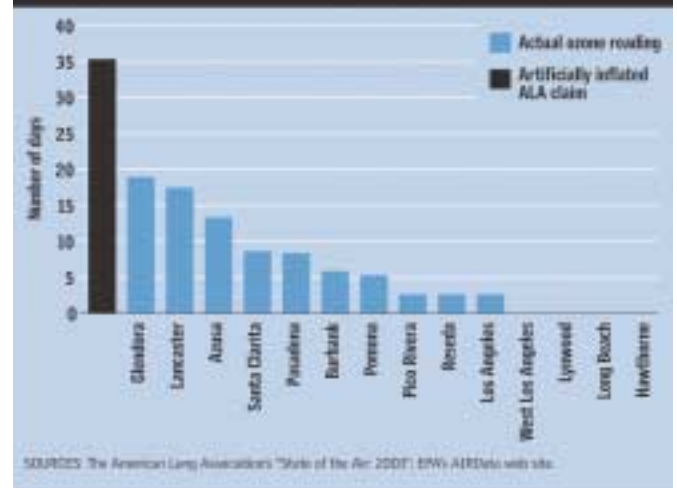
At least with respect to air quality matters, that trust is clearly misplaced.

Joel Schwartz is a senior fellow in the Environment Program at Reason Public Policy Institute. He is a former officer of the California Inspection and Maintenance Review Committee, a government body charged with evaluating California's Smog Check program. This article is a condensed version of an article Schwartz first published in the Summer 2003 issue of Regulation *magazine*. **http://cato.org/pubs/regulation/index.html**

FIGURE 2

L.A. Air

The American Lung Association's claim as to the air quality in Los Angeles County compared to the results from monitoring stations in various parts of the county.

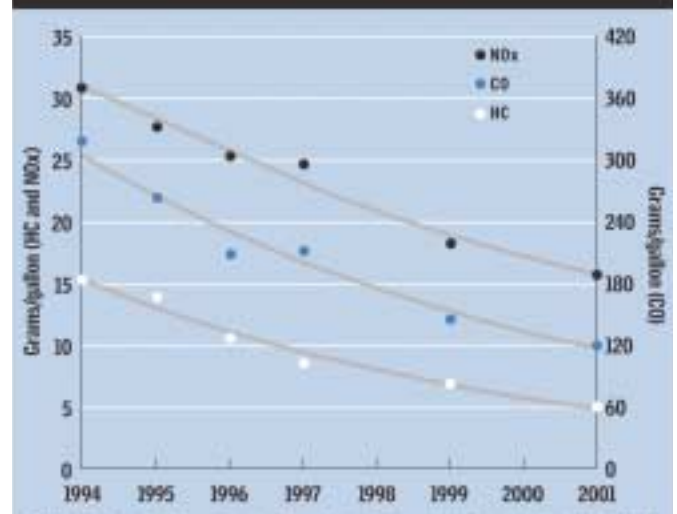


SOURCES: The American Lung Association's "State of the Air: 2003"; EPA's AIRData web site.

FIGURE 3

Cleaner Cars

Automobile emissions trends as measured from 1994 to 2001 in the Caldecott Tunnel in the San Francisco Bay Area.



SOURCE: "Trends in Exhaust Emissions from In-Use California Light-Duty Vehicles, 1994-2001," by Andrew J. Kean et al. Society of Automotive Engineers, 2002.

NOTE: Emissions are reported in grams of pollutant emitted per gallon of fuel burned. Gasoline consumption increased 13 percent between 1994 and 2001, so, for example, while the HC emission rate decreased 67 percent, total emissions decreased 63 percent after taking account of increased gasoline use. HC = hydrocarbons, CO = carbon monoxide, and NOx = nitrogen oxides.

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COLORADO

Saving the Animals, Not the Bureaucrats

BY GOVERNOR BILL OWENS

"In Colorado, we are taking a new approach. We are working in a collaborative manner with local governments and affected individuals to restore the original intent of the ESA by actively promoting species recovery."

When the Endangered Species Act (ESA) was passed in 1973, it represented the best intentions of man to fix mistakes of the past. The result of those good intentions of Congress was, without a doubt, the most far-reaching and powerful federal law ever enacted.

But some unintended consequences came along with the ESA as well. Thirty years later, by just about any objective measure, the Endangered Species Act (ESA) can be considered nothing better than a colossal failure.

In the years since the ESA was passed, the federal government has added more than 1,300 species to the federal protected list. Fewer than 30 species have been removed. If "endangered" designations and de-listings are truly a measure of species recovery, that would be a ratio of 45 failures for every one success.

Of course, bureaucratic designations and listings often driven by interest group strong-arm tactics are hardly an accurate barometer of species-recovery efforts.

Getting on the list is easy; getting off is nearly impossible.

Some policymakers have suggested that measures of the ESA's success are somehow directly proportional to the number of listings. Former Interior Secretary Bruce Babbitt once told Fish and Wildlife Service employees that their goal should be to add 1,000 new species to the list. That was Secretary Babbitt's measure of success. (In fact, during the Babbitt years, the Department of the Interior added 486 species to the list.)

For those of us in the West who feel the impact of the ESA on a daily basis, this thinking seems exactly backwards. We look at every single new addition to the endangered species list as a failure. If any species has to be given such an extreme level of emergency protection, by definition it means we have failed to protect it adequately.

In the past 30 years, bureaucrats and vested interests purportedly responsible for administering and overseeing the ESA have lost sight of its noble intent, endangering the plight of the very species the Act was designed to protect.

Paperwork replaced protection. Burdensome red tape and regulation bred bitterness among property owners toward the governments responsible for administering the Act ... and even toward the very species we hope to protect. The sad legacy of the ESA to date is the frequent triumph of politics over sound policy, the rights of people, and the protection of species.

Because the government rarely provides any milestones by which a species can be de-listed, landowners and others directly influenced by the Act's regulatory burdens lose hope. Instead of working in partnership with government to promote the recovery of truly endangered species, they frequently see little choice but to do battle with bureaucrats to figure out how they can best circumvent its regulations.

Colorado's New Approach

In Colorado, we are taking a new approach. We are working in a collaborative manner with local governments and affected individuals to restore the original intent of the ESA by actively promoting species recovery. Our Department of Natural Resources is operating fish hatcheries; reintroducing lynx, among other species; and

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attempting to recover the animals in the wild.

Our ultimate goal: to recover every Colorado species currently listed as endangered and prevent the listing of additional species.

While far from a panacea, Colorado's new approach does demonstrate that home-grown compliance efforts are likely to be far more successful at saving species and protecting the rights of property owners than Washington DC-driven bureaucracies.

What's Broken?

We began a new state leadership-based approach to endangered species because the ESA is fatally flawed in three critically important ways:

■ *It ignores the public's clear desire to recover endangered species.*

The public overwhelmingly supports the protection and recovery of threatened and endangered species. The key is that they want them recovered and removed from the list. A program that seeks to increase the population of a species and, as a result, end its status as endangered, is more in keeping with the public's desires.

■ *The law is overly broad and unnecessarily inflexible.*

We must work within the framework of the Endangered Species Act, which is among the most powerful laws ever passed by Congress. Basically, if a species is listed as "endangered" or "threatened," regulations virtually compel government policies and private conduct to fall in line. The process is not subject to environmental review like most other federal decisions. There is no cost-benefit analysis, and public input is largely irrelevant.

"In the years since the ESA was passed, the federal government has added more than 1,300 species to the federal protected list. Fewer than 30 species have been removed. If 'endangered' designations and de-listings are truly a measure of species recovery, that would be a ratio of 45 failures for every one success."

Practically speaking, it is far too easy to get a species listed. Interest groups regularly file petitions with the U.S. Fish and Wildlife Service asking for new species to be added to the protected list, and the Service has 90 days in which to respond.

As a matter of course, the Service routinely adds species to the list because, if it fails to do so, the interest group will often file a lawsuit, whereupon a federal judge may order the listing. Sound science is often lacking in these listing requests, and the needs of those affected by the potential listing are not thoroughly considered.

■ *Once a species is added to the list, governments and affected parties often lack the tools to eventually get a species removed from the list.*

Once a species is added to the list, it typically becomes a serious obstacle and annoyance for many entities inside and outside of government. Congress has rarely given the Fish and Wildlife Service the financial resources to help the endangered species actually recover. So the seemingly perpetual listing becomes a problem for the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, Army Corps of Engineers, National Park Service, state wildlife departments, farmers and ranchers, county road departments, and local governments throughout the habitat area.

This is the source of the loud discontent I heard from Coloradans. They see little connection between the actions of the federal government and common-sense efforts to recover an endangered species.

These realities leave citizens across the country—especially in public land states—with two stark choices. We can either attempt to recover these species ourselves and get them off the list, or we can continue to endure an intrusive regulatory regime that hurts the economy and does little to help endangered fish, birds, and mammals.

The New Approach

Since the early days of my administration, we have faced federal regulatory impediments to a dedicated, responsive, and service-oriented state government.

As governor, I find it especially disturbing that the ESA has imposed huge costs and obligations on many state agencies, local governments, and businesses, while achieving so little in recovering species. Colorado has 15 federally listed species, with eight more likely to be listed in the foreseeable future, showing us that a new approach was urgently needed.

The ESA pervades nearly all aspects of government services and human activities. Whether we are working on long-overdue road improvements, preserving the important agricultural economy, providing water that is so vital to life in the West, or enhancing outdoor recreational opportunities for our citizens, we run into endangered species issues.

My administration decided to take a different approach to endangered species from the beginning. We reviewed the impacts of federal endangered species listings on the operation of state government, and we quickly concluded there would be significant utility for the entire state if we moved forward with an aggressive species recovery program facilitated by the state government.

We had resources to work with. In 2000 I signed an executive order creating a new ESA coordination office. Through this office, we moved forward with a program guided by three major principles: collaboration with private citizens, local governments, and even other states and nations; the development and employment of sound science; and creation of milestones that measure success.

Collaboration with Private Citizens and Local Governments

Much of Colorado's endangered species initiative focuses on outreach to private citizens. Our state team develops strong working relationships with citizens to develop practical solutions. The message is clear: The ESA is here to stay and we must find ways to accomplish conservation of candidate species before a more restrictive listing of species leads to the imposition of stricter and counterproductive regulations.

Equally important, we have been working to overcome the natural skepticism among landowners who are loath to believe government wants to balance the right to use private land with the goal of recovering endangered species. The good news is, however, that they share my pragmatic notion that species conservation is best accomplished on the front end before the regulatory burden accompanying "threatened" or "endangered" listings becomes a reality.

Following a "threatened" designation the federal government must publish rules outlining when the incidental "take," or death, of a species can be allowed in the course of normal farming operations. In those instances, the state has worked closely with the federal agencies to craft rules that help preserve farming practices in the least-disruptive manner. Those activities are successful only if the landowners voluntarily participate and share their expertise. Most have been more than willing to do so.

For example, the federal listing of the Preble's meadow jumping mouse led to considerable debate about the rule that would accompany the listing. One initial draft suggested farmers who burn their ditches are destroying Preble's habitat, and perhaps the mice themselves. The draft proposed that agricultural burning be prohibited in the critical habitat.

But the news to the federal bureaucrats was that, in the West, you can't farm without burning your ditches. We crafted a compromise that permits incidental take during periods when burning is necessary, and recognizes that habitat is actually created or improved by such farming activities. The result does more than just free farmers from an impossible dilemma—it promotes the recovery of the species.

Collaboration on the National and International Level

The desire to protect endangered species knows no political boundaries, and Colorado certainly has many comrades when it comes to dealing with endangered species.

For example, Colorado is working with Wyoming and Nebraska on South Platte River conservation strategies for various endangered or threatened species down river in Nebraska. New Mexico's struggle with conserving the silvery minnow and the Rio Grande cutthroat trout on the Rio Grande keeps Colorado officials focused on the ongoing tension between species conservation and water compact entitlements. Our program to recover Colorado River endangered fish involves six states and four federal agencies, along with water, power, and environmental interests.

Promoting Sound Science

There is a vitally important phrase in the Endangered Species Act called "best available science." Contrary to popular myth, the Act does not require good science, peer-reviewed science, or even accurate science. Rather, it requires decisions be based upon the "best available" science. In many cases the petition contains the only available science on species that have been little known and never studied previously.

"We can either attempt to recover these species ourselves and get them off the list, or we can continue to endure an intrusive regulatory regime that hurts the economy and does little to help endangered fish, birds, and mammals."

When the National Wildlife Federation filed a petition to list the black-tailed prairie dog, Colorado, like most Western states, had little data regarding the prairie dogs and their habitat. Because they had been considered a nuisance by farmers for more than a century, and listed as a pest species in wildlife law, Colorado had never devoted any resources to studying them.

We know that, by any common-sense measure, they are not endangered. We know there are hundreds of thousands of them, occupying hundreds of thousands of acres across the Plains from New Mexico to North Dakota. But absent any scientific evidence of those facts, the "best available" science was contained in the petition for endangerment classification, and a listing of some kind became almost inevitable.

The federal government has postponed a listing of the prairie dog for now. Our state agencies are quickly pooling their resources to promote species conservation and collect further data about the species to ward off any unnecessary listing in the future.

Prairie dogs are just one example of the need for and value of information and research regarding endangered or threatened species. Colorado's lynx recovery program became a fascinating eye-opener for many. Perhaps for the first time, a state government is in a position to direct decision-making on a nationally listed species precisely because we are the keepers of the "best available science."

The lynx reintroduction program faced several first-

COLORADO continued on page 12

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Colorado's ESA Program

Continued from page 11

year setbacks in 1999-2000. The program faced a significant amount of public derision. A number of the first cats brought to Colorado starved to death within a few weeks. Several others were hit by cars, while a number were shot.

But as biologists in the Colorado Division of Wildlife were allowed to do their research, monitor the animals, learn from mistakes, adjust protocols, and update monitoring methods, they also began to learn more about the lynx—and what they have learned is surprising and vitally important.

Early federal information on lynx was based entirely upon their behavior in Canada and Alaska, where they are common. The last lynx documented in Colorado was in 1973, but even before that they were extremely rare in the Southern Rockies—fewer than 20 have ever been documented in Colorado's history. Little was known about how they would behave in Colorado, such as what they could eat and whether they could survive, primarily because the climate and environment are so much different than Alaska or Canada.

Federal documents said the San Juan Mountains were the southernmost limit of the lynx's migration, yet several have migrated further south, even into New Mexico. Federal officials said lynx wouldn't cross open areas greater than 100 yards because they live only in dense wooded habitat. Yet several Colorado lynx introduced in Southwest Colorado have crossed enormous areas of wide-open spaces on lengthy migration routes. One was actually trailed to Nebraska, several to the San Luis Valley, still others north of Interstate 70. Federal documents said they ate only snowshoe hares, yet Colorado lynx have eaten a much more varied diet. Some federal officials said lynx were threatened by ski areas, yet at least one was monitored actually living in a ski area for a period of time.

The lynx reintroduction program has taught valuable lessons and shown that larger species of animals can also be recovered by taking the same focused approach we took with endangered fish. The lessons learned and our eventual success also mean the State of Colorado now possesses the "best available science" regarding the lynx. That's important, because it means Colorado will eventually drive the decision whether to de-list the recovered species, instead of politicized interest groups often motivated by goals other than species recovery.

> "The goal of the ESA is to recover species. To do so, it is imperative that all affected parties have an understanding from an early stage what benchmarks must be achieved to define a species as 'recovered.'"

Milestones that Measure Success

The goal of the ESA is to recover species. To do so, it is imperative that all affected parties have an understanding from an early stage what benchmarks must be achieved to define a species as "recovered." Creating measurable milestones keeps all parties focused and motivated. Milestones provide the possibility of eventual delisting of endangered species. Milestones create hope.

Landowners traditionally have dreaded endangered species classifications because they meant endless regulatory impediments to their way of life. Landowners have nothing to work toward. The federal government has offered them virtually no hope: No matter how hard they work, they seemingly will never win freedom from the ESA's long tentacles of intrusion.

After I took office in 1999, I told natural resource leaders, municipal leaders, landowners, and industry groups in Colorado that our goal should be to successfully recover and take off the list all 15 species characterized as "endangered" or "threatened" in Colorado, while also ensuring that no new species are added to the list. This sent a positive message to landowners and others in Colorado suffering the burdens and costs of ESA-related regulations.

It was a new tone. Traditionally, state officials turn toward Washington DC, shaking their fists in anger and calling for reform or repeal of the Act, and Westerners for a generation have wrung their hands and gnashed their teeth. Finally, those affected by the Act had reason for hope.

After setting this new tone, our state officials sought from the federal government the most important milestones of all—establishment of measurable goals for the de-listing of species. We asked for answers to straightforward questions. When will the federal government consider de-listing the species? What needs to occur? What are the habitat needs of the species? How much habitat does the species need?

Demands for measurable milestones from the federal government were unprecedented just a few years ago. Now, publication of recovery goals is a top priority. The successful efforts of state officials to force federal officials to publish workable recovery goals for four species of endangered fish were a magnificent accomplishment. But obtaining these goals from federal officials is still not routine. The key to success is to ask.

Bill Owens is governor of Colorado and chairman of the Center for the New American Century. This article and additional news regarding Colorado's species recovery programs can be found at **www.cnaconline.org**.

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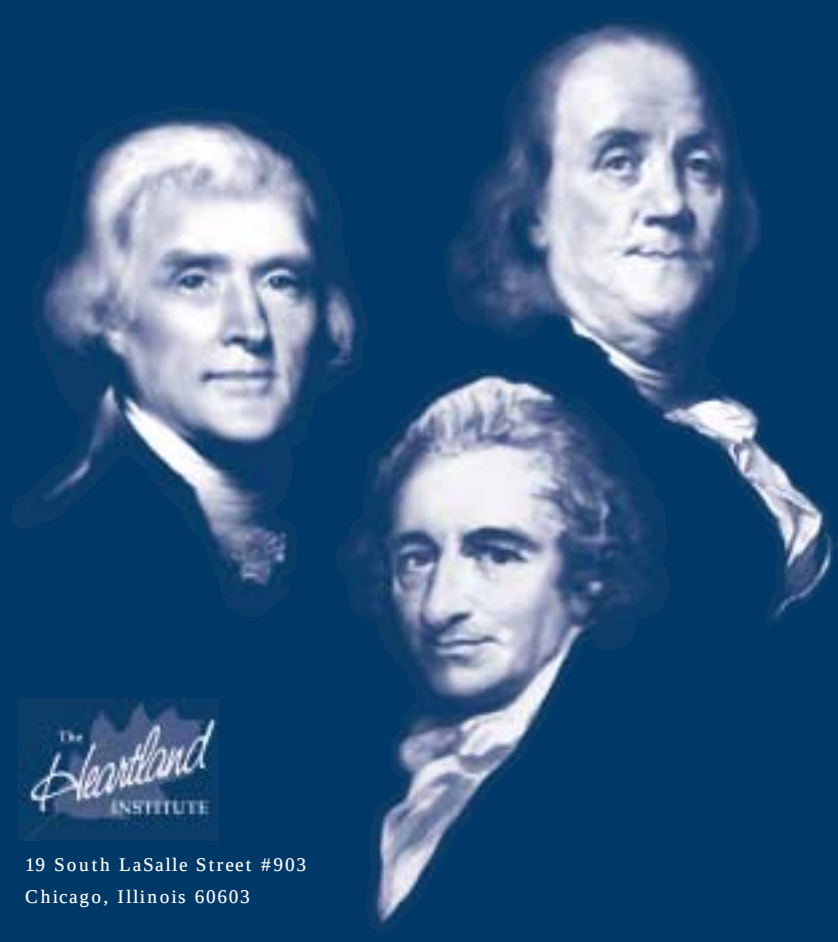

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Salmon

Continued from page 1

Politics Unsettled
According to Jan Hasselman, National Wildlife Federation attorney, "Northwest political leaders oppose dam removal because they think they can have salmon and dams. If they realize they must choose, they will choose salmon and Congress will follow their lead."

But dam removal proposals get a mixed reception among politicians. Democratic President Bill Clinton and 2000 Presidental candidate Al Gore avoided the issue. Republican George W. Bush condemned dam removal as a candidate and later as President. Only Green Party candidate Ralph Nader endorsed the idea.

The pro-dam removal Salmon Planning Act (HR 1097), introduced in the House of Representatives in March, has more than 90 co-sponsors, mostly Democrats. Virtually all represent Eastern, Midwestern, and California constituencies. The bill's only Northwest supporter is its sponsor, Seattle Democrat Jim McDermott. Regional governors (two Democrats, two Republicans) recently called dam removal "divisive and polarizing."

"Improved dam designs and improved operations have substantially reduced salmon mortality."

Salmon Recovery
Worse for the dam busters, the salmon are returning—nearly two million in 2001, a record since counting began in 1938. Though most are hatchery fish, gains are spread widely, including wild fish and ESA-listed populations. While ocean conditions always cause cycles in the salmon population, consistent improvement since 1997 suggests long-term progress.

Improved dam designs and improved operations have substantially reduced salmon mortality. In most cases, barging juvenile salmon around the dams further increases total (river plus ocean) survival. Fisheries scientists are using new style "conservation hatcheries" to supplement wild (in-stream spawning) salmon. That means more wild fish, and the ability to restore locally extinct populations, using genetically comparable broodstock from nearby streams. Recent accomplishments by the Northwest Power Planning Council (NWPPC) along these lines can be found on the group's Web site at **http://www.nwppc.org**.

Environmentalists condemn such "technological fixes," claiming salmon can survive only in free-flowing rivers like those in which they evolved.

However, salmon are adaptive, particularly with man's help. Although they aren't native to the Southern Hemisphere, introduced salmon now navigate the South Pacific and spawn in Chile and New Zealand. Columbia River fall chinook salmon were introduced into North Idaho's Coeur d'Alene basin, where they spawn in the rivers and grow in Lake Coeur d'Alene instead of the ocean. Spring chinook were successfully restored to the Clearwater River, where they maintain in-stream spawning populations upstream from the notorious Snake River dams.

Rules May Favor Anti-Dam Groups
Some ESA provisions support anti-dam activist groups who say compliance eventually requires restoring pre-development environmental conditions. One such provision calls for preserving the ecosystems upon which an endangered species depends—i.e., not preserving the species to live under "artificial" conditions. Another provision defines conservation as bringing the species to a condition where further ESA-directed action is not required, possibly calling into question indefinite use of measures like hatchery supplementation and barge transportation, regardless of how many salmon those measures save or produce.

It is thus plausible that ESA compliance requires turning the Columbia back into a river; supporting such proposals as removing Snake River dams, permanently lowering the John Day reservoir, and operating other dams to mimic pre-dam conditions. Never mind that technology (barging, conservation hatcheries, etc) can integrate salmon into the existing river system, while placing far fewer economic burdens on river users.

Future of Salmon Conservation
The *National Wildlife Federation v. National Marine Fisheries Service* lawsuit demonstrates that some activist groups will press ESA's back-to-nature ideology to the limit, ignoring political reality or the potential of alternative salmon conservation strategies.

A better legal framework is needed for salmon conservation, but ESA reform by Congress appears unlikely. A more interesting possibility is the cabinet-level Endangered Species Committee provided by the current law.

Committee members are political appointees. Unlike ESA administrators, they are charged with considering the whole public interest in species preservation, including economic burdens. That charge not only conforms their decisions with common sense, but makes them more difficult to challenge in court.

When Bush campaigned in the Northwest, he promised to help reconcile salmon conservation with other Columbia River uses. In their own ways, all the Northwest's elected leaders echo that sentiment. Environmental activist groups have a different vision, and at least at the moment they have the courts on their side.

Robert Stokes is a retired Natural Resource Economist, now freelance writer, residing in Spokane, Washington.

Power Companies Launch Bird-Protection Program

by James M. Taylor

A coalition of power companies is putting in place new voluntary guidelines for protecting migratory birds from electrocution and collisions with power lines. The guidelines, expected to save thousands of birds' lives every year, are being developed in cooperation with the U.S. Fish and Wildlife Service (FWS).

Electrocutions and line strikes are a particular threat to birds with large wingspans, such as eagles, hawks, and owls—all species protected under the Migratory Bird Treaty Act. Avian interactions with power lines also cause power outages, which represent added cost and inconvenience for electric utilities and their customers.

The new guidelines are being developed by the Avian Power Line Interaction Committee (APLIC), a national coalition of more than 20 regional power companies. The guidelines will give electric utilities a framework to use in developing voluntary Avian Protection Plans (APP) tailored to their specific operations.

The APP guidance document, which will be published on the APLIC and FWS Web sites, will reference the latest industry standards for preventing avian power line interactions, including recommendations from the most current edition of APLIC's "Suggested Practices for Raptor Protection on Power Lines."

"This cooperative effort will enhance existing voluntary conservation efforts by the electric utility industry," said FWS Director Steve Williams. "We value our partnership with APLIC and the industry, and encourage electric power companies to take advantage of the new guidelines."

"A voluntary approach protects birds through industry cooperation, rather than through mandatory 'one-size-fits-all' agreements," said Jim Burruss, APLIC chair and a representative of PacifiCorp. "Customers expect utilities to provide a reliable source of energy, and the public expects the Service to protect the nation's wildlife resources. Our collaborative work on voluntary guidelines for Avian Protection Plans should help safeguard birds, enhance energy delivery, and cut costs for electric utilities."

"A voluntary approach protects birds through industry cooperation, rather than through mandatory 'one-size-fits-all' agreements."

Jim Burruss, chairman
Avian Power Line Interaction Committee

The new guidelines, like those already published by the FWS for the communication tower industry, outline practical tested ways to reduce threats to birds. Similar recommendations have recently been released by the FWS for the wind turbine industry.

"We will continue working with individual electric power companies to develop company-specific approaches for protecting birds," Williams said. "Voluntary industry cooperation has long been essential to our conservation efforts. The new guidelines build on that tradition."

The FWS and APLIC have a long history of working together on avian power line issues. Created in 1989 to evaluate whooping crane collisions with power lines in the Rocky Mountains, APLIC was originally a partnership involving the FWS, National Audubon Society, and 10 electric utilities.

APLIC members include representatives from the Edison Electric Institute, 18 investor-owned utilities, the National Rural Electric Cooperative Association (which represents nearly 1,000 consumer-owned electric utilities), the Electric Power Research Institute, two federal utility agencies, and the FWS. APLIC sponsors short courses, funds research, and updates guidance materials designed to protect birds and enhance energy delivery.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO
visit the Avian Power Line Interaction Committee Web site at **http://www.aplic.org/**.

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Northeast States Pledge to Impose CO2 Cap

by James M. Taylor

The governors of 10 northeastern states have pledged to join a regional cap-and-trade program to limit greenhouse gas emissions.

The agreement, announced on July 24 by New York Republican Governor George Pataki, is the first regional pact to challenge the federal government's decision to seek a scientific consensus before imposing costly new energy limitations on the U.S. economy.

The Republican governors of Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont joined the Democratic governors of Delaware, Maine, New Jersey, and Pennsylvania in formulating the agreement. Additionally, Maryland Republican Governor Robert Ehrlich has sent a letter to Pataki expressing interest in joining the pact in the future.

Pataki announced an agreement in principle, but questions remain about specific components of the plan. Although the states have agreed to a cap-and-trade approach, they must still agree on the level of maximum allowable CO2 emissions. Also, the states have yet to agree whether carbon sequestration will count against CO2 emissions. New Hampshire and Massachusetts already have enacted CO2 caps and will likely seek retroactive credits for past emission-reduction programs.

Scott Segal, executive director of the Electric Reliability Coordinating Council, criticized the northeastern governors for ignoring market forces.

The most logical means of meeting emission-reduction goals, according to Segal, is for power plants to switch from coal to natural gas. However, natural gas is already in short supply due to infrastructure problems and restrictive drilling prohibitions. A mandated switch from coal to natural gas will further spike natural gas prices, which have risen by as much as 700 percent during the past three years.

The Bush administration expressed concern over the ramifications of the northeastern pact. "We welcome innovation by the states, however, we would be concerned about mandatory approaches that could stifle growth or cost American jobs," said Dana Perino, spokeswoman for Council on Environmental Quality Chairman Jim Connaughton. "We'd also be concerned about approaches that would affect the affordability of energy, especially for those on low or fixed incomes."

Brian Mannix, a senior research fellow at George Mason University's Mercatus Center, expressed concern over the constitutionality of such a pact. Mannix quoted Article 2, Section 10, which reads, "No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay."

The U.S. produces approximately 25 percent of global human carbon dioxide emissions. The 10 northeastern states produce less than 10 percent of human carbon dioxide emissions. Any emission reductions that might result from the pact would cut only a small fraction of carbon dioxide emissions in the member states.

"Some economists say the impact of a piecemeal, state-by-state approach may be symbolic at best, and that if pollution cuts were big enough to affect climate, they could even slow economic growth," reported the *Philadelphia Inquirer*.

In Europe, nations have built their marginally effective CO2 reduction programs around increases in nuclear and natural gas power. However, liberal environmentalist groups in the U.S. have opposed nuclear power and new natural gas wells, making CO2 cuts more difficult and costly.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

For more information on the impact of state greenhouse gas emission control programs, see "State Greenhouse Gas Programs: An Economic and Scientific Analysis," a February 2003 *Heartland Policy Study*. The document and an executive summary are available, in both HTML and PDF formats, on the Heartland Web site at **http://www.heartland.org**. Click on the *Policy Studies* link.

Massachusetts Caught Cooking the Books

by James M. Taylor

The U.S. Environmental Protection Agency is investigating Massachusetts for misleading the federal government about claimed reductions in automobile pollution.

The state has reported that less than 5 percent of automobiles are currently failing vehicle emissions tests, a steep decline from the 10-to-15 percent failure rate reported in past years. However, the federal government has uncovered evidence the asserted decline in vehicle pollution is actually a result of an unreported adjustment of state testing standards in 2001.

According to reports in the *Boston Globe*, state officials have admitted to withholding from the federal government paperwork regarding the 2001 change in testing standards.

"We did what we did and we wish we hadn't," said James Colman, assistant commissioner of the Massachusetts Department of Environmental Protection.

Massachusetts Inspector General Gregory Sullivan has pledged to look into the state's conduct. Sullivan, according to the *Globe*, is preparing a report charging the Massachusetts Department of Environmental Protection has approved the roadworthiness of thousands of cars that would have failed the pre-2001 vehicle emissions test.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

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Clear Skies Initiative Faces Stormy Future

by James M. Taylor

Congressmen on both sides of the aisle are predicting contentious deliberations over President George W. Bush's Clear Skies Initiative.

"None of the necessary consensus is in place to achieve a major change in the law," said Rep. John Dingell (D-Michigan).

The lack of bipartisan momentum for the Clear Skies Initiative was underscored by a July hearing convened by a subcommittee of the House Energy and Commerce Committee. Only one witness was called to comment on the issue.

Testifying before the subcommittee, Environmental Protection Agency Assistant Administrator for Air and Radiation Jeffrey Holmstead described the Initiative as "historic." Holmstead heralded the Initiative's blend of proven regulatory concepts, ambitious goals, and market-friendly innovations as unprecedented.

The Initiative will "take advantage of the parts that work very well and use those to replace the parts that do not work very well," said Holmstead.

Markets vs. Regulation

The most contentious aspect of the Clear Skies Initiative is its cap-and-trade approach to reducing pollution. Setting emission caps and allowing the market to decide which companies can most efficiently reduce pollution will meet pollution-reduction goals in the most effective way, testified Holmstead.

"I can guarantee you that if you adopt Clear Skies, we will get greater environmental benefits and we will do it at the lowest possible cost," he said.

Opponents of the plan asserted the federal government should instead mandate stricter pollution standards under the current framework of rigid, universally applicable regulations. Clear Skies opponents want the federal government to mandate that all power plants use best available pollution control technology.

"As a public health nurse, I have serious concerns with the President's plan," said Rep. Lois Capps (D-California). "Rather than enforcing the Clean Air Act, the President's plan would delay current deadlines for particular areas to achieve clean air—this extension would force millions of Americans to continue to breathe unsafe air."

"Clear Skies will lead to a cleaner environment without large increases in fuel cost and without all the doom and gloom we are hearing from the environmental community," countered Rep. John Shimkus (R-Illinois).

Congressional Democrats vowed not to support the Clear Skies Initiative as proposed, and instead demanded the opportunity to draft alternative clean air legislation.

"If Clear Skies really was the superior policy choice, the administration would give Congress analysis of competing proposals," complained Democratic Rep. Henry Waxman of California.

"The implication that the President's proposal is the only game in town does not bode well for a thoughtful and a thorough inquiry into what changes if any need to be made to the Clean Air Act," added Dingell.

Air Quality Is Improving

Before the subcommittee hearing, *Regulation* magazine published an article by Joel Schwartz, a senior fellow in the Reason Public Policy Institute's Environmental Program, documenting dramatic improvements in air quality since the early 1980s.

"Even the most polluted areas of the country achieved impressive ozone reductions during the last 20 years," reported Schwartz.

"The nation's success with air quality extends beyond ozone to other pollutants," he continued. "For example, between 1981 and 2000, carbon monoxide (CO) declined 61 percent, sulfur dioxide (SO2) 50 percent, and nitrogen oxides (NOx) 14 percent. For all three pollutants, pollution levels are well below the EPA standards in almost all cases ... This downward trend in pollution levels will continue." (An excerpt from Schwartz's study appears on pages 1, 8-9.)

"America has made significant progress over the last 30 years in our quest for cleaner air, and we have learned a lot about what approaches work best. Now is the time to put those lessons to use," Bush noted in July of last year, when EPA submitted to Congress legislation that would implement the initiative .

"In the next decade alone," Bush pledged, "Clear Skies will eliminate 35 million more tons of pollution than the current Clean Air Act, bringing cleaner air to millions of Americans ... And Clear Skies will do this through the use of a market-based system that guarantees results while keeping electricity prices affordable for the American people."

Bush is hoping for congressional approval of the Clear Skies Initiative during the fall session.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

INTERNET INFO

More information about the Clear Skies Initiative is available on the White House Web site at **http://www.whitehouse.gov/ceq/clear-skies.html**.

You can also download from *PolicyBot*, The Heartland Institute's free online research database, an article by Jeffrey Holmstead, "Clear Skies: A Better Way to Regulation," from the May/June 2003 issue of *Electric Perspectives*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document **#12671**.

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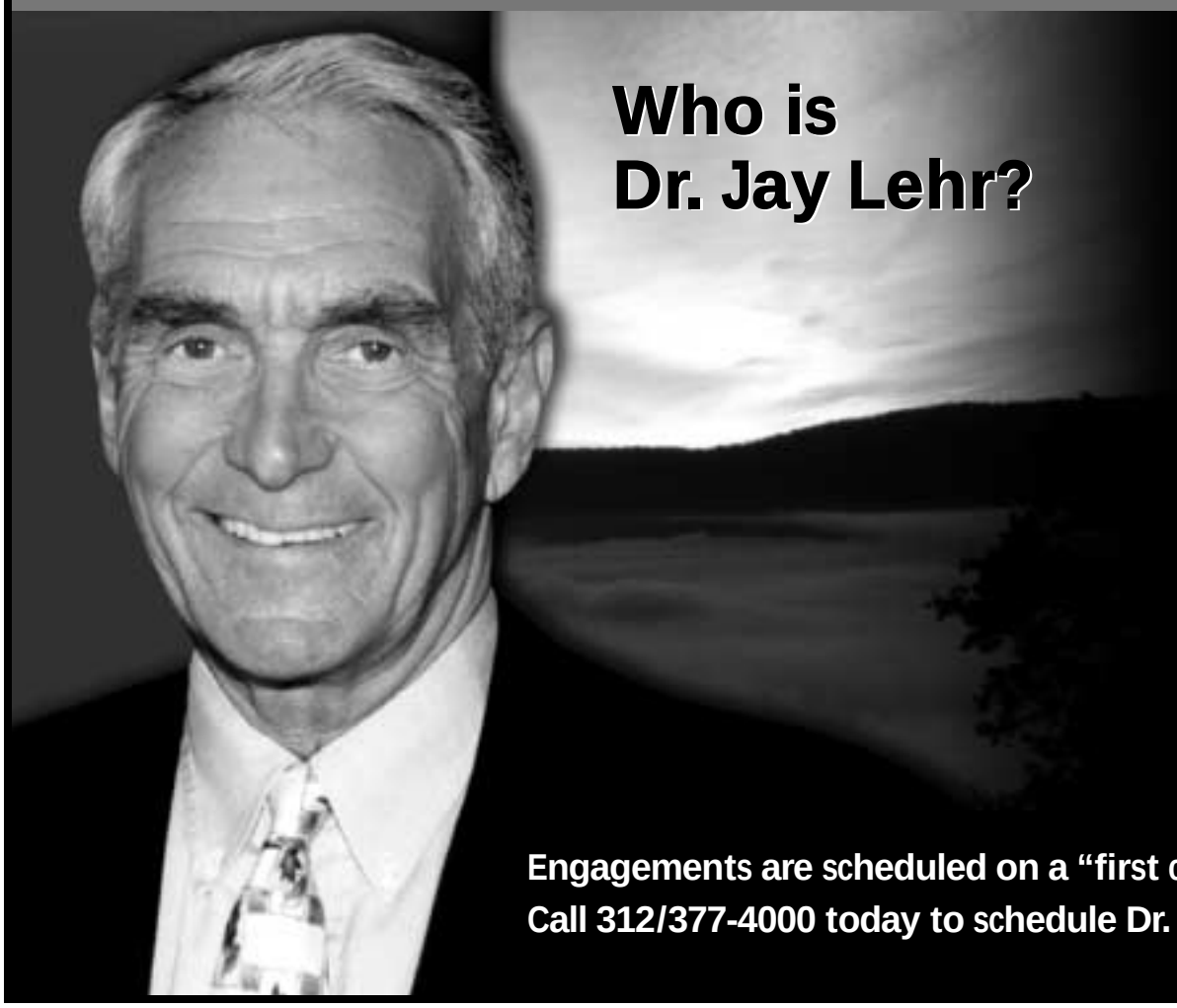

Who is Dr. Jay Lehr?

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Hydrogen Cars

Continued from page 1

tant professor of energy and resources at UC Berkeley, and David Keith, associate professor of engineering and public policy at Carnegie Mellon University, present various short- and long-term strategies they say would achieve the same results as switching from gasoline-powered vehicles to hydrogen cars.

"Hydrogen cars are a poor short-term strategy, and it's not even clear that they are a good idea in the long term," said Farrell. "Because the prospects for hydrogen cars are so uncertain, we need to think carefully before we invest all this money and all this public effort in one area."

Farrell and Keith compared the costs of developing fuel cell vehicles to the costs of other strategies for achieving the same environmental and economic goals.

"There are three reasons you might think hydrogen would be a good thing to use as a transportation fuel—it can reduce air pollution, slow global climate change, and reduce dependence on oil imports—but for each one there is something else you could do that would probably work better, work faster, and be cheaper," Farrell said.

President George W. Bush has proposed a federally funded, five-year, $1.7 billion FreedomCAR and Fuel Initiative to develop hydrogen-powered fuel cells, a hydrogen infrastructure, and advanced automotive technologies. Many scientists have praised the initiative. Several announced candidates for President also have proposed major research efforts to develop hydrogen-fueled vehicles and technologies to produce, transport, and store the hydrogen.

Pollution Will Continue

For many people, the attraction of hydrogen is that it produces no pollution or greenhouse gases at the tailpipe.

But Farrell noted the rosy assessment of hydrogen's environmental impact glosses over the issue of where the hydrogen comes from. Current methods of producing hydrogen from oil and coal produce substantial carbon dioxide. Unless and until those emissions can be captured and stored, renewable (wind or solar) and nuclear power, with their attendant problems of supply and waste, are the only means of producing hydrogen without also producing greenhouse gases.

Setting up a new infrastructure to distribute hydrogen would cost at least $5,000 per vehicle, Farrell points out. Transporting, storing, and distributing a gaseous fuel as opposed to a liquid raises many new problems.

Less Radical Solutions

The benefits might be worth the costs of fuel-cell development and creating a new infrastructure, however, if air pollution, greenhouse gases, and petroleum imports could not be reduced in other ways. But they can, said Farrell.

Improvements to current cars and environmental rules would reduce air pollution at a cost 100 times less expensive than hydrogen cars. And for several decades, the most cost-effective method to reduce oil imports and CO2 emissions from cars will be to increase fuel efficiency, the two scientists found.

"Automobile manufacturers don't need to invest in anything fancy—a wide number of technologies are already on the shelf," Farrell said, citing, among other studies, a 2002 report by the National Academy of Sciences. "The cost would be trivial compared to the changes needed to go to a hydrogen car."

If one goal is to reduce greenhouse gases, it would be cheaper, Farrell and Keith argue, to focus on reducing carbon dioxide emissions from electric power plants than to focus solely on hydrogen-powered vehicles.

If it becomes necessary to introduce hydrogen into the transportation sector, the scientists say, a better alternative is to develop hydrogen-powered fuel cells for vehicles such as ships, trains, and large trucks. Because these heavy freight vehicles have higher emissions, this strategy could provide greater air quality benefits. On-board hydrogen storage would be less of a problem also, and serving such vehicles would require a smaller fuel distribution network.

Farrell and Keith provide figures that support their arguments and conclude more research needs to be done before committing ourselves to a hydrogen economy, which might begin to make sense 25 years down the road.

"Hydrogen cars are an attractive vision that demands serious investigation, but it's not a sure thing," they wrote.

Robert Sanders is a science writer and public relations representative with the University of California at Berkeley.

Did Environmental Regs Cause Space Shuttle Tragedies?

by William L. Anderson

Most people can remember intimate details of what they were doing when they first heard the space shuttle Challenger had exploded. Millions of schoolchildren across the country watched the event in shocked amazement.

The "teacher in space" effort NASA hoped would be a public relations boon to the shuttle program instead exploded with the shuttle as teacher Christa McCauliffe of New Hampshire was among the seven astronauts who perished when the shuttle disintegrated miles above the Earth.

NASA went on to record many successful space flights after the Challenger disaster. Then the program once again was shocked into reality when Columbia blew up in flames just minutes before landing, killing all seven astronauts aboard.

Even more depressing: The roots of both disasters were planted in the federal government's environmental policies. Misguided policies not only killed 14 U.S. astronauts, but killed them in a most horrible and public way.

Reuters

NASA investigator Dan Bell measures a 16-inch hole in a carbon-reinforced wing panel removed from shuttle Atlantis after a 1.67-pound piece of fuel-tank foam insulation was shot out of a 35-foot nitrogen-pressurized gun and slammed into it during a test in San Antonio. Engineers found what they called the "smoking gun" in the destruction of the Columbia space shuttle, a piece of foam that struck the shuttle's left wing.

Faulty Foam Mandated by EPA

As recent news reports have pointed out, the wreck of the Columbia was almost certainly due to a chunk of insulating foam prying loose and hitting some heat-protecting tiles, leaving the spacecraft vulnerable to intense heat upon re-entry into the Earth's atmosphere.

That is all the mainstream news—and NASA—have been willing to report. What they have not said is that the foam in use at the time was a substitute, replacing a material that had previously worked well but contained Freon, a chlorofluorocarbon (CFC) the Environmental Protection Agency (EPA) banned because of the ozone depletion scare.

As Cato Institute adjunct scholar Steven Milloy reports, NASA could have sought an exemption. Freon, after all, is inert and nontoxic, and its connection to ozone depletion is tenuous at best. However, having been burned by EPA once before, NASA succumbed to what Milloy calls "PC foam."

Milloy writes, "PC foam was an immediate problem. The first mission with PC foam resulted in 11 times more damaged thermal tiles on Columbia than the previous mission with Freon-based foam."

The damage was obvious and quite severe. Milloy writes that following the 1997 Columbia mission, "more than 100 tiles were damaged beyond repair, well over the normal count of 40."

Milloy points out EPA did in fact exempt NASA from the CFC reduction requirement in 2001, but NASA decided to continue using the "environment-friendly" foam it by then had been using for several years.

Exemptions Denied

The Challenger explosion occurred in January 1986. As nearly everyone familiar with the catastrophe knows, a set of O-rings that was supposed to keep hot gases trapped in the rocket carrying the shuttle failed, with the fuel quickly leaking out and igniting into a fireball shortly after takeoff.

What most people do not know is that the material used to make the O-rings was a substitute, replacing a product EPA had banned because it contained asbestos.

The original O-rings used between the rocket joints came from an over-the-counter putty that had been used safely and effectively for a long time. However, in its war against the use of asbestos anywhere, anytime, EPA forbade NASA to use the product at all.

A Recurring Theme

In normal situations, this would be a scandal of epic proportions: By requiring the use of unsafe materials, a government agency caused the very public deaths of 14 individuals. Had a private firm permitted such unsafe working conditions, the situation would merit a *New York Times* investigative report.

Scientifically unsound environmental policy can be disastrous. Granted, we are talking about the lives of "only" 14 people, compared to the hundreds of thousands who have died of malaria following the banning of DDT, which once effectively killed the mosquitoes that carry the disease.

But, whether we speak of 14 astronauts, or hundreds of thousands of people in a remote African nation, we speak of the same thing: death by environmentalism.

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EDITORIAL

James Taylor

Drawing Lessons from East Coasters' Wind Farm Objections

by James M. Taylor

For decades, Easterners have been lobbying for federal laws that impose draconian reductions in emissions from electric utilities in the Midwest. Never mind that oil, coal, nuclear, and natural gas are abundant and cheap. Instead of continued reliance on fossil fuels and nuclear power, they call for subsidies and tax breaks for renewable energy sources such as solar and wind.

Never mind that modern emissions-abatement technology makes traditional fuel sources environment-friendly, as shown by ever-declining air pollution levels. And never mind that mining and drilling fuel the economic engine of whole regions of the country.

For a great many East Coasters, costs imposed on the rest of the country are a small price to pay for their own peace of mind.

That is, until liberal environmental activists and renewable energy companies proposed building windmills off the coast of Cape Cod.

Until now, the sight and noise pollution from gigantic solar power collectors and towering windmills have been confined to other people's backyards. Outside of the deep South and, in particular, the desert Southwest, solar power collectors serve little purpose. And up until recently, giant bird-slicing windmills have been largely confined to Midwestern plains and California hillsides.

"While it is tempting to call Senator Kennedy a hypocrite, perhaps we would do better simply to apply his new perspective to federal legislation regarding all energy and environmental issues."

However, coastal breezes, government subsidies, and mandatory renewable fuels portfolios have resulted in a growing wind farm industry operating off the coast of Texas. Buoyed by the Texas example, liberal environmental activist groups (that is, those who aren't too bothered by the thousands of annual bird deaths resulting from this unique style of aviary cuisinart) are teeming up with wind turbine manufacturers to push for the same plan off the coast of Cape Cod. After all, Cape Cod is famous for its never-ending coastal breezes.

But now that East Coasters themselves are being called upon to assume the yoke of unnecessary environmental burdens, they are singing a different tune. Responding to the concerns of wealthy, oceanfront homeowners who worry giant offshore wind turbines will ruin their morning sunrises and turn their Atlantic surf red with bird blood, Massachusetts Senator Ted Kennedy is pushing for federal legislation to require local resident approval before any new wind farms can be built.

While it is tempting to call Senator Kennedy a hypocrite, perhaps we would do better simply to apply his new perspective to federal legislation regarding all energy and environmental issues.

In keeping with Senator Kennedy's wind power proposal, from now on:

- The federal government will no longer tell farmers and ranchers that the rights of endangered species will take priority over customary uses of their land, unless local residents so approve;
- If the citizens of Alaska and their elected officials believe it is possible to explore for oil while simultaneously protecting nearby caribou, the federal government will not ban such exploration, unless local residents accede to such a ban;
- Westerners will have the same right to view their national forests and wilderness areas, via roads and the use of off-road vehicles, as East Coasters have to view their national seashores via roads and watercraft, unless Westerners themselves agree to make their national forests off-limits; and
- Anti-industry rules, regulations, and taxes that would ruin the coal and oil industries will not be adopted unless approved by the coal miners, loggers, fishermen, and oil riggers who would bear the brunt of the pain when their companies and industries go out of business.

Thanks for the inspiration, Senator Kennedy. We look forward to counting on your vote.

James M. Taylor is managing editor of Environment & Climate News. *His email address is* **taylor@heartland.org**.

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